IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 9108 OF 2003

Smt. Vithabai Janu Chainakwa ...Petitioner

Versus

Narayan Laxman Zendekar
(since deceased) Th. L.Rs.
Smt. Sitabai Narayan Zendekar
and Ors. ...Respondents

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Mr.H.E.Palwe with V.K.Ketkar, counsel for Petitioner

Mr. A.P. Vanarase with Smt. Sumidha Dongare, counsel for Respondents.

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CORAM: B. H. MARLAPALLE, J.
DATED: 14TH MARCH, 2005

P. C.:-

1. Heard the learned counsel for the petitioner.

2. The present respondent No.1 during his life time had applied to the Collector for permission to purchase the land held by the petitioner and while granting the said permission on 14.6.1985, Survey number of the suit land was wrongly mentioned as Survey No.121. The respondent No.1 had proceeded to purchase the land and the sale deed signed between the parties was registered on 22.7.1985. However, when the application was made for causing mutation entry, the Revenue authorities realised that the land in survey No. 121 did not belong to the petitioner and her land was actually in survey No.120. It was under these circumstances that the correction was

made subsequently from survey No.121 to survey No.120. This was challenged before the Collector on the ground that the said correction was done without notice. The Collector dismissed the objection and therefore, the matter was carried in Revision before the Divisional Commissioner, who was pleased to remand the case to the Collector for fresh hearing. Accordingly, by an order dated 24.7.98, the Additional Collector, Raigad considered the matter, heard the respective parties and confirmed the earlier order dated 5.2.1998. Fresh Revision came to be filed before the Divisional Commissioner which has been dismissed on 18.5.2002 and hence, this petition.

3. The concurrent findings recorded by the Revenue authorities below are based on record and admittedly the land in survey No.121 did not belong to the present petitioner. The challenge to the validity of the sale deed concerned has no bearing on the corrections of the survey numbers in the order granting permission to dispose of the land. The record spoke for itself and therefore, this petition is devoid of merits.

4. The view taken by the authorities below does not suffer from any error calling for interference and hence, the petition is rejected summarily.